

# Industrial Report



**AMOU**

Australian Maritime  
Officers Union

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**Date:** 30 July 2019

**Locations:** **EASTERN AREA**

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**WESTERN AREA**

Navy Club Inc., 64 High Street, FREMANTLE WA 6160

# President's Report

## Tim Higgs

*President and Svitzer Melbourne Tug Master*

Welcome to the July Industrial and President's reports.

July has been and gone and it feels like only last week that we were only dealing with June 30 and the reporting requirements after holding the unions AGMs. During the month of July we have seen significant disputes and also positive results for members - please read through the industrial report to catch up on what is happening around the industry.

### **Annual General Meetings**

AGMs were held last month, with consecutive meetings held around the country to form one quorum of the membership nationally to endorse the annual reports. To be brutally honest the attendance nationally was extremely poor except for both Launceston and Hobart. In recent months the executive council made the decision that the AGMs would be scheduled in such a way that the Executive Officer and myself could attend as many meetings as possible to answer any questions the members may have about the annual reports there and then. Thankfully given the turn outs in Launceston and particularly in Hobart on short notice we managed to form a quorum and the annual reports were endorsed and reported to Registered Organisations Commission (ROC) accordingly. I personally would like to thank those members who made the effort to attend the AGMs and the executive will be looking at ways to increase numbers or alternate ways of delivering the annual reports to ensure it is voted on by as many members as possible in the future.

### **Resignation of the Eastern Area Secretary**

Following shortly after last month's Sydney AGM meeting, the Eastern Area Secretary advised via email that he was resigning from the position as the elected Eastern Area Secretary and also as a member of the union. A special meeting of the Executive Council was called for the 27<sup>th</sup> of June via electronic means and both resignations were accepted and then reported to both ROC and the Australian Electoral Commission (AEC). Given the quadrennial elections nominations were open at the time the Executive Council felt it was inappropriate to appoint someone to fill the casual vacancy.

### **2019 Quadrennial Election Results**

On the 2<sup>nd</sup> of July at 12:00 AEST the unions Quadrennial election nominations closed. The below table lists the members that were nominated to stand for office as reported by the AEC returning officer.

| National Positions              | Candidates                             |
|---------------------------------|--|
| President (1)                   | Tim Higgs                              |
| Vice President (1)              | Ken Blackband                          |
| National Councilors (2)         | Matthew Jepson<br>Brent John Middleton |
| Offshore Oil & Gas Delegate (1) | James Gregson                          |
| Pilot Delegate (1)              | Andrew Raymond Hawkins                 |

|                              |                                    |
|------------------------------|------------------------------------|
| <b>Port Services (1)</b>     | Darryl Dorrn                       |
| <b>Seagoing Delegate (1)</b> | Ryan Thornton                      |
| <b>Towage Delegate (1)</b>   | Shannon Barrett                    |
| <b>Eastern Area</b>          |                                    |
| <b>Secretary (1)</b>         | Brent Warhurst                     |
| <b>President (1)</b>         | Nil                                |
| <b>Vice President (1)</b>    | Jan Ronny Andersen                 |
| <b>Southern Area</b>         |                                    |
| <b>Secretary (1)</b>         | Captain Luke Hosking               |
| <b>President (1)</b>         | Andrew Michael Walsh               |
| <b>Vice President (1)</b>    | Nil                                |
| <b>Western Area</b>          |                                    |
| <b>Secretary (1)</b>         | Glenn Hanns Andersen               |
| <b>President (1)</b>         | Paul Dolan<br>John Samuel McDonald |
| <b>Vice President (1)</b>    | Nil                                |

The AEC returning officer then worked through all the nominations, including those members who signed the nomination forms as nominators, to cross check the financial status of all. They also verified that the nominations were all made in accordance with the union rules. Following these checks the AEC's returning officer declared the unions Quadrennial results in the table below:

| <b>National Positions</b>                  | <b>Candidates</b>                      | <b>Election Declaration</b>   |
|--|--|---|
| <b>President (1)</b>                       | Tim Higgs                              | Elected Unopposed   |
| <b>Vice President (1)</b>                  | Ken Blackband                          | Elected Unopposed   |
| <b>National Councilors (2)</b>             | Matthew Jepson<br>Brent John Middleton | Elected Unopposed   |
| <b>Offshore Oil &amp; Gas Delegate (1)</b> | James Gregson                          | Elected Unopposed   |
| <b>Pilot Delegate (1)</b>                  | Andrew Raymond Hawkins                 | Elected Unopposed   |
| <b>Port Services (1)</b>                   | Darryl Dorrn                           | Elected Unopposed   |
| <b>Seagoing Delegate (1)</b>               | Ryan Thornton                          | Elected Unopposed   |
| <b>Towage Delegate (1)</b>                 | Shannon Barrett                        | Elected Unopposed   |
| <b>Eastern Area</b>                        |  |   |
| <b>Secretary (1)</b>                       | Brent Warhurst                         | Elected Unopposed   |
| <b>President (1)</b>                       | No Nominations                         | Position Vacant   |
| <b>Vice President (1)</b>                  | Jan Ronny Andersen                     | Elected Unopposed   |
| <b>Southern Area</b>                       |  |   |
| <b>Secretary (1)</b>                       | Captain Luke Hosking                   | Elected Unopposed   |
| <b>President (1)</b>                       | Andrew Michael Walsh                   | Elected Unopposed   |
| <b>Vice President (1)</b>                  | No Nominations                         | Position Vacant   |
| <b>Western Area</b>                        |  |   |
| <b>Secretary (1)</b>                       | Glenn Hanns Andersen                   | Elected Unopposed   |
| <b>President (1)</b>                       | Paul Dolan<br>Samuel John McDonald     | Samuel John McDonald<br>Elected Unopposed<br>(2 <sup>nd</sup> Nominee withdrawn/not accepted) |
| <b>Vice President (1)</b>                  | No Nominations                         | Position Vacant   |

The election results were tabled for approval in a handover meeting of the Executive Council, scheduled for Monday 22 July to Tuesday 23 July 2019. The appointment of the successful candidates was endorsed by the Executive Council on Tuesday afternoon, the 23<sup>rd</sup> of July.

I would like to thank and congratulate all those members that have put their hand up to run for office. It not an easy task at times being an honorary official within the union. I look forward to working with the entire membership and the Executive Council throughout the next term continuing with rebuilding and shaping a union that services the needs of all its members.

On a personal note last week, I witnessed an accident that resulted in a severe head injury. It was a stark reminder of how one's life can be put in danger and or changed with the blink of an eye. It has been an extremely stressful week dealing with the accident and the injured person and their family. Please always remember to take care and take that extra minute to think something through!

As always stay safe

Tim Higgs President

In Unity

A handwritten signature in black ink, appearing to be 'Tim Higgs', written over a horizontal line.

Tim Higgs  
President

## Executive Officer's Report

### Mark Davis

*Executive Officer (Sydney)*

#### **Port Authority of NSW – Newcastle Pilots EA**

Progress over the last month was negligible and a slim majority of the Pilot group has indicated a willingness to accept the PANSW's "best and final offer" so a draft EA representing the agreed principles will be sent out to the Pilots for consideration and ballot. AMOU members have been advised that relativity injustices from back in 2014 are enshrined in this enterprise agreement until at least 2023 and the PA's failure to address these has meant that AMOU will not be recommending the agreement to members. After such a protracted set of negotiations this has been a frustrating exercise and a very disappointing result for a group of hard-working and dedicated Marine Pilots that deserve much better.

#### **Engage Marine/Engage Towage**

Engage has towage contracts in Geelong, Port Latta and both Sydney ports. The company had been consulting with AMOU and AIMPE regarding an alternative structure to the partnership arrangements that apply in other company contracts. The discussions were very constructive. After two months of silence the company has made contact and an informal discussion has taken place to update the AMOU on the state of play. Engage is actively pursuing towage contracts around the country and still working through the alternative structure with the deadline of 1<sup>st</sup> September. Indications are that the roll-out of this structure will be in Sydney and that it is up to the tug crews whether this takes the form of a collective agreement or a continuation of the common-law contract set-up that is presently the case. We had a meeting regarding the Westug dispute on 24<sup>th</sup> July (please see Glenn Andersen's Industrial Report) and the company management, which is the same personnel as Engage Marine, recognised the need to reconvene the forum on the Engage Towage structure with AMOU and AIMPE.

#### **Trident Shipping**

CCTV is being installed on the bridge of the four Australian registered LNG carriers. Shell is proposing to use the data obtained from this and the Voice Data Recorder for remote navigation audits. This has not been the subject of any consultation and a significant number of AMOU members have raised concerns about the invasion of privacy, the lack of any transparency regarding who uses the data and for what purpose, how long it is kept for and whether this is just another initiative of the company to alienate the bridge team. This latter concern must be seen in the context of the shipping partners to the North-West Shelf Continuity of Operations Agreement (COA) wishing to reduce the number of Australian registered ships on the project and the attempt to hold the AMOU in breach of its COA obligation to find suitable officers to crew the vessels. We managed to deflect this challenge by using the considerable skills and experience base of AMOU members. This latest move will either alienate the bridge team by oppressive surveillance or produce evidence through which the employer can initiate disciplinary action. Some discussion was held with Trident which advised simplistically that if you know you are being monitored don't say anything stupid or words to this effect. The COA dispute settlement procedure has been commenced and in order to avoid the inevitable targeting of any perceived activists, the three unions have agreed wording for a letter to be signed by as many crew members as possible that will then

be handed to the Master in order to initiate 'amicable discussions' to try to settle the dispute. This will inevitably end up before the COA Arbitrator, hence the adherence to procedural detail.

## Industrial Report – Glenn Andersen

*Organiser (Fremantle)/Offshore Oil & Gas Delegate*

### **Ship visits**

Ship visits for the month were: MMA Brewster, Pacific Grackle, MMA Inscription and Pacific Responder.

### **Vessel Inspections**

Fugro Mariner

### **Trident LNG Ships**

In response to requests from the WA Area Office some crews and individuals have sent in EBA claims

### **AOS**

The vessel *Fugro Mariner* was inspected in Singapore this month and should now be carrying out its fifteen-day work schedule in the Bass Strait. Apart from general cleanliness and, possibly sound proofing issues, the vessel appeared to be in a reasonably good condition.

### **Westug**

The Westug dispute has dominated much of our time over the past two weeks. For those who are unaware this company Westug/Engage Towage are intent on implementing the *Partnership* business model into the NW ports of Dampier and Cape Lambert. The fact that employees are not interested in becoming small business owner/operators has not deterred Westug management, and existing Partners, from harassing and intimidating masters, engineers and deckhands into leaving the safety of Fair Work EBA's to enter the dark unknowns of the *Partnership* model.

This has been a nearly twelve-month guerrilla war which has certainly taken its toll on workplace morale. Understandably, union memberships have soared to record levels.

In an attempt to alert Rio Tinto to the unfairness of this situation seventy employees signed a petition and sent it off to Rio Tinto management, they in turn sent it to Westug with a *Please explain*. Westug reacted by sending *Show cause* letters to the seventy asking why they should not be dismissed. This was not the reaction those seventy employees expected.

After much activity, and scores of phone conversations, AIMPE and AMOU met with Westug representatives in Sydney last week. The outcome of that meeting was a withdrawal of the threat of disciplinary action and an offer to meet with Westug to discuss the Partnership issue.

### **WA State Government Ports Minister**

A senior advisor to the WA Ports Minister is being kept up with events in the NW Ports of Dampier and Cape Lambert

### **Maersk EBA negotiations**

Crunch time is approaching with this EBA renegotiation. AIMPE were visiting two of the three Maersk vessels last week, in Dampier. Although Maersk's negotiating strategy has been largely to maintain differences between the current IR/Caterers EBA (to our cost) and what they believe our members deserve. We owe it to our members to attempt a fair resolution to this drawn-out process. My opinion is both unions should commit to at least one more meeting with Maersk.

### **OSM EBA Negotiations/Consultative Committee Meeting**

On Thursday 11th July myself and Glenn Walsh attended the FWC regarding our unfair bargaining complaint towards OSM.

Although aware OSM wanted to recommence talks, we needed that commitment to be heard by the FW Commission, given OSM had been avoiding meeting with the AMOU. OSM agreed to two meetings: one on July 17th and a second within a month of July 11th.

The history of these negotiations is one of unreasonable delay.

OSM refuse to negotiate with the Officer Unions jointly. Divide and rule is not going to work here. The July 17th meeting was the first since OSM employees voted against accepting the proposed OSM EBA. The AMOU actively campaigned for a *NO* vote.

OSM desire special treatment, given they are only a labour-hire company and have no ships. We say OSM acts as a buffer between SIEM and the Deck Officers. Our members would be content to flip into a permanent position with their *real* employer, any day of the week.

Management have this strange idea that their employees hold some kind of unshakable *Japanese* style company loyalty. The truth being our members would be content to flip into a permanent position with their *real* employer (SIEM), any day of the week.

The tone of this meeting was much friendlier than the last couple of meetings. OSM claim a 3% wage increase (in the first year) is all they offer. That offer was flatly rejected on the grounds that 3% in 2019 is a totally unrealistic offer given there have been no salary increases for nine whole years.

Our next meeting is set down for August 2nd.

### **OSM Consultative Committee Meeting**

Myself, along with two OSM Officer representatives attend the inaugural OSM CC meeting. The current agreement describes them as Works Council meetings. OSM very kindly prepared an agenda for this meeting. They did not react enthusiastically when I immediately asked the question as to why this meeting was taking place when OSM refuses to recognize either the Fair Work Commission or the WA Industrial Relations Commission as the jurisdiction to hear employee complaints against OSM.

Management refused to discuss that issue. It is abundantly clear OSM wishes to class the current EBA as more or less a *Common Law Agreement* and place it outside the rules of the FWC or the WA Industrial Relations Commission.

I wonder what effect that has on that supposed *bottomless* pit of company loyalty.

However, we did carry-on with the meeting and proceeded on with the agenda. The minutes supplied by OSM make no reference to the status of the current agreement. It is unlikely The AMOU will endorse those minutes, as they stand. To give you an idea of the questionable nature of this meeting, OSM stated they would get back to us regarding the issue of revalidation reimbursements, when we all know they have repeatedly refused to honour this EBA clause.

**Teekay/Ningaloo Vision**

Teekay continue to seek clawbacks to current wages and conditions, including a ridiculous claim to remove superior ticket study leave for 2/Officers, from the EBA. Our view is companies need to contribute to the training of those key positions onboard. There appears to be a concerted effort amongst Offshore Oil & Gas companies to rid themselves of any responsibility to invest in the training of senior navigational personal.

The danger is, of course, a genuine lack of higher qualifications in the industry will provide those same companies with an excuse to take up the foreign officer option. The next meeting is set for later this week.

## Industrial Report – Jarrod Moran

*Senior Industrial Officer (Melbourne)*

### **TasPorts**

#### **Pilots**

Tasports have agreed to our claim that 2 additional pilots are needed in the roster to maintain service, provide opportunities for training and professional development and give access to leave. Advertisements have been posted for Pilots in Bell Bay and Hobart.

Many of the claims we have for Tasports as part of the current EA negotiations will now fall away as the above matters should be resolved.

Next EA meeting is 13 August in Launceston.

#### **Tasports Corporation**

We have had 6 meetings with Tasports for this replacement EA. The current document was renegotiated only 12 months ago so members are seeking minimal change, including a fair wage increase (not tied to the State Governments maximum wage offers). Some additional matters have been raised by members that go to the application of the current EA and should be fixed up during these talks.

#### **DP World Supervisors/Superintendents**

We continue to have discussions with DP World around terms and conditions for Superintendents and members desire to formalise arrangements with an EA. The most recent group discussion was in late December which included the Chief Operations Officer. We have advised DP World that we want to reconvene negotiations ASAP.

The Supervisors EA expires later this year and discussions with Delegates will take place during August regarding claims and how negotiations should proceed.

#### **Searoad Shipping**

Negotiations recommenced on our start stop discussions on 25 July. Members have a limited number of claims including 1:1 leave (in line with the AIMPE and MUA) and a pay increase. Next meeting is 22 August.

### **TOLL**

#### **Shipping Supervisors**

Toll have made a settlement offer that members are considering. It would seem that members concerns about lack of coverage have been addressed.

#### **Seagoing Collective Agreement**

The seagoing agreement expired on 31 March 2019. Toll have offer a 3.5% per year and a roll-over for 12 months (March 2020). Member are considering the offer.

#### **Huon Aquaculture**

Huon has had the Norwegian flagged 'Ronja Huon', a 76m well boat/fish carrier off the Tasmanian coast since 2014. In August this year it will be joined by the 'Ronja Storm' a 119m well boat. Additionally, we understand that Tassal will be bring two well boats to the coast in coming months. The agreement we reach with Huon will set the standard for the industry.

Huon employ one Australian cadet who is a member. The deck officers are Norwegians employed on s482 visas (with one recently getting permanent residency). Marine and Safety Tasmania has granted 24 pilot exemptions to 8 Norwegian deck officers since 2014. The deck officers are employed by Solvtrans, but the agreement will be negotiated by Huon.

Our Log of Claims includes a clause in the new EA which would give preference to Australian workers before foreign nationals on temporary visas.

Huon have verbally advised that they would like to employ more Australians and would welcome advice from the AMOU on who may be suitable candidates.

Huon have provided us with a draft EA.

Huon have now advised that they are unable to find suitably qualified Australians to fill the deck officer roles and have asked the Federal Government for special permission to employ foreign workers on a Labour Agreement. We have advised Huon we will be opposing this request and will make a formal submission to Government on this.

We have also advised them that the draft EA they have presented falls short of what Australian deck officers would expect and that we find it offensive that foreign workers with no connection to Australia or sympathy for Australian workers could vote to approve an EA that is less than the minimum we expect.

#### **Port of Portland Tug Masters and Launch Masters**

We meet with the Port of Portland on 21 March and have resolved all outstanding matters except remuneration. Tug masters are working increasingly more jobs each year and the wage proposals offered by the employer didn't reflect this. A proposal to fix this has been discussed between the Port and members and we are close to a resolution.

#### **SERCO**

Serco negotiations have stalled. Serco are seeking wholesale change which members are not willing to accept. Members would seem generally happy with the current work conditions and seek minimal changes. Members are considering options to pursue a new EA and meetings have taken place at most worksites.

#### **Victorian Regional Channel Authority**

We had previously sought to negotiate an Agreement for Marine Operative members employed by the VRCA earlier this year without much joy. We have now established that the VRCA is a Victorian Government Authority and the Government has indicated to them that they need to conclude an agreement with us based on the Governments bargaining framework and in line with the Governments wages policy.

We were advised that from 6 May 2019, the marine controllers at Geelong (who are currently employed by Linx) will have their employment transferred to the VRCA. Their current agreement will also transfer with them.

We are waiting on the Government approval to the VRCA to commence bargaining.

On 1 July we were advised by Members that a new roster was being implemented in Hastings which placed Members on a 3 week cycle – 7 12 hour days shifts, 7 12 hour night shifts and 6 days off. Members are employed part time for 30 hours a week so the new roster has them working 101 hours of unpaid overtime over the roster period. We immediately put this matter into dispute in the FWC.

FWC instructed us to propose a more reflective wage structure and roster to VRCA and to report back to the Commission by 22 August.

**RSV Nuyina**

We have had one meeting with Serco regarding the replacement Icebreaker RSV Nuyina. Serco are seeking a greenfields agreement with the 3 unions to cover this vessel.

Info on the ship can be found at: [www.antarctica.gov.au/icebreaker](http://www.antarctica.gov.au/icebreaker)

The vessel is currently being built in Romania where it will have harbour trial in late 2019 before proceeding to sea trials in Norway in early 2020 before delivery to Hobart next year.

Serco have indicated a preference to employ Tasmanians on the vessel if available.

**EA's in Progress**

The following is a list of EA's that I am currently working on. Some are near completion, some are just starting and some are in the planning stage before negotiations commence. Please contact me directly with any queries about your EA below.

| Agreement                            | Expiry Date  |
|--------------------------------------|--|
| Tasports Pilots                      | 17 November 2018   |
| Tasports Corp                        | 20 May 2019  |
| Searoad Shipping                     | 31 July 2017 (replacement 12 month deal expired before it was approved by FWC) |
| Toll Supervisors                     | 21 October 2018  |
| Toll Shipping                        | 31 March 2019  |
| Victorian Regional Channel Authority | First EA   |
| Port of Hastings                     | 4 December 2018  |
| Serco                                | 31 December 2018   |
| Aurora Australis                     | 30 June 2018   |
| Aburri                               | 22 December 2018   |
| Ronja Huon                           | First EA   |
| Portland Tugs                        | 30 June 2018   |
| DP World Supervisors                 | 2 December 2019  |
| DP World Superintendents             | First EA   |
| VICT                                 | 19 October 2019  |
| Polaris Marine 'John Duigan'         | First EA   |
| ASP Ship Management (TT-Line Fleet)  | 31 July 2019   |
| TT-Line Shipwrights and Pursers      | 30 June 2020   |
| RSV Nuyina                           | First EA   |

## Industrial Report – Chris Neiberding

*Senior Industrial Officer (Melbourne)*

### **Bruny Island ferries**

The AMOU visited members and non-members at Bruny island ferries who were recently taken over by Sealink. Members are worried about their eroding conditions of work and have asked the AMOU and AIMPE to help secure and EBA with the company.

### **Svitzer**

Svitzer HR are starting to collect available dates from all 3 unions to secure a date for the first EBA meeting. There are no commitments yet but at this stage it is looking like the first meeting will take place some time in September.

There have also been a number of individual issues in Svitzer that have been occupying my time.

### **Tasports Tugs**

Union officials have returned back from leave and the first meetings for the Tugs have been penciled in for the 16th August.

### **Tasports EBA**

The last EBA meeting that was scheduled for Friday was cancelled unexpectedly at 15:30 Thursday afternoon. The unions continued to meet and make use of the time everyone had spent getting there to go over the log of claims and where to next. We understand Tasports are waiting for approval from government on an offer they would like to table at the next meeting. We can only speculate as to what that offer may look like at the moment.

## Industrial Report – Martin McEvilly

*Industrial Officer (Sydney)*

### **ASP RV Investigator Officers' Enterprise Agreement**

The *Investigator* Officers EA was approved by the Fair Work Commission (FWC) on 18 June 2019, with a nominal expiry date of the Agreement of 31 July 2021. Backpay should have all been finalized after some administrative delays from ASP. If members have still not received all of their backpay, service steps or other entitlements, please contact me.

### **ASP Gladstone Bunkering Facility Enterprise Agreement**

I'm frustrated to report that we have not received any further correspondence from ASP regarding the EA. This seems to be largely as a result of their efforts to finalise the Rio fleet EA, which is discussed below. Negotiations had concluded, however the other two unions involved have since had a change in officials, which may slow progress even more. I will continue to push ASP for progress to close out what has been a protracted and disjointed negotiation for members aboard the *Larcom*.

### **ASP Rio Tinto Fleet Enterprise Agreement**

ASP attempted to put the EA for the four ASP managed Rio Tinto vessels 02 July 2019. However, during the access period, feedback from a number of AIMPE members resulted in the company making some amendments to the document. It was recirculated after some minor adjustments on 18 July 2019. Voting will open again on 27 July 2019 and be available until 30 July 2019 at 18:00. I encourage all members to vote on the EA and will report back on the results as soon as they are in. As I have previously outlined, the AMOU are not in a position to recommend a yes vote to the EA.

### **Teekay Tanker Enterprise Agreement**

After Deck Officers voted up the *Dampier Spirit* in March, the FWC has finally approved the agreement. The delay came from an administrative oversight by Teekay in submitting the supporting documentation with the EA, but as the HR manager responsible had left the company, the attempts by the FWC to clarify the error were not addressed. Once this was corrected, the agreement was approved the following day. The EA is in effect from 23 July 2019 and has a nominal expiry of 07 October 2021. Backpay will be made shortly. Do not hesitate to contact me if you have any concerns with the backpay or process.

### **Roads and Maritime Service NSW Award**

RMS has now been incorporated into Transport for New South Wales (TfNSW). Unfortunately, negotiations are still ongoing for the Award to apply to RMS employees under the new structure. However, the majority of terms are finalized, and I expect that negotiations will conclude in the next few weeks. TfNSW remains committed to not changing any daily operations or employment conditions for current employees under RMS at this time, though we are continuing our dispute at the NSW Industrial Relations Commission regarding consultation to ensure that this promise is maintained.

### **Transdev Sydney Ferries**

An Expression of Interest will go out shortly for a Master and GPH to man the vessels for the new on Demand service. Given the length of the vessel (12m), we have agreed for them to be manned by a Master V for the duration of the trial period. Our expectation has been communicated to the company that should the services become viable and they need to create permanent roster lines, a Master IV ticket would be required in line with the EA. This has been the start of significant consultation regarding the various new vessels as well as the question of an internal career path. The company and the MUA have suggested that a variation to the EA will be required. Based on what information is currently available, the AMOU does not share that view and we do

not agree that varying the EA so soon into its term is appropriate or necessary. Your delegates and officials will be working hard on making sure any proposed changes are in the interests of masters and engineers, as well as within the scope of the EA.

New Transdev emblazoned uniforms have been provided and are expected to be worn by all staff by 28 July 2019. The Masters uniforms they provided were of a very poor quality and Masters rightly provided their feedback to delegates. We approached the company about this and, at the threat of a dispute, they have agreed to a compromise. Full details have been provided by your delegates. A new supplier will be sourced by Transdev in the coming months and we will ensure that the quality of uniform remains a priority.

As always, there are numerous other issues being raised and dealt with each month and I can only report on some of them. I ask all members to follow the guidance of their delegates who continue to do an excellent job on behalf of all AMOU members at the ferries.

#### **Fantasea Cruising Masters, Coxswains and Deckhands Enterprise Agreement 2019**

Negotiations concluded abruptly on Friday 19 July 2019 when the NRMS backed and owned company advised the unions that they would be putting an agreement out to vote on Tuesday 23 July 2019. They have duly done so.

This was not expected and in our view the agreement is not of the required standard and has too many holes to be relied upon over the next three years. Although negotiations were obstructed at times, they were certainly not concluded. We are encouraging all members to vote no to the sub-standard agreement, with the intention of getting the company back to the negotiating table to address some of our concerns. Voting will take place over 31 July 2019 and 01 August 2019.

During the access period, Fantasea were advised that Transdev Sydney Ferries would be terminating their contract to run two charter vessels on TSF routes. This has come as a huge blow to Masters at Fantasea who had expected the contract to remain for at least six more months. We will be in discussions with the company to understand what alternatives runs they are considering and minimise the impact this loss of work has on members.

#### **Port Authority of NSW – Newcastle Enterprise Agreement**

The MUA has taken a dispute to the FWC against the Port Authority and have claimed that aspects of the MOU applicable to Port Officers is unlawful. As a result, the PA are unwilling to progress the EA any further until the dispute is finalised. It was not concluded at conciliation in mid July, so we expect it may not be a straightforward process. The consequence is that an annual pay increase has not been applied and there is no guarantee of backpay. The timing of this dispute is disappointing and it came after our members agreed to concede on the term of the agreement and accept a 3 or 4 year term. We are nearing agreement on the terms of the MOU for VTIC Officers, with the remaining outstanding items related to the treatment of relief employees still to be finalised.

#### **Port of Newcastle Enterprise Agreement**

We finally got back to the negotiation table on 03 July 2019 for the outstanding PON EA. The company were represented by an external legal consultant who provided little value in the meeting outside of reciting from a document that had been provided by PON days earlier which confirmed they were still considering a number of our claims. The meeting ended very frustratingly with their lawyer saying the next time he could meet was in mid August, some six weeks later. All of the action items required from the Unions were provided to the company on the day and we have still not received anything further from their representative. This is turning

into a farce and although backpay has been agreed to by PON, we will need to start to see a greater commitment from them in the next meeting or we may need to reconsider our approach.

#### **Port Authority of NSW - Sydney**

There are a few issues going on at the Port Authority requiring our attention. In particular, the restructure/disbandment of the Emergency Response Team. One of their current key roles is the operation of the gangway at the Overseas Passenger Terminal and the decision on who will take over that function now that the two new gangways have arrived is still up in the air. The company has suggested that Cruise operations Duty Managers should be responsible, however that is a significant departure from their existing roles and when it comes to safety, we don't believe there should be compromises. Asking someone doing a full time job to also take on someone else's full time job is not acceptable, especially when the consequences of not giving the gangways (attached to cruise ships full of tourists) their full attention could be catastrophic. We will remain involved to ensure that whatever is decided is subject to proper consultation.

#### **NSW Ports Enterprise Agreement**

The EA was voted up comprehensively in mid July and has been submitted to the Commission for approval. I don't expect there to be much of contention within the EA and would hope that the agreement is approved in the next month or so. We have seen some slower approval times historically, but the Commission has been improving of late and hopefully this agreement benefits from that. Given the significant problems that were seen the last time we were negotiating an EA for NSW Ports, I am told it has come as a huge relief to all members that we are almost there with this one.

## Industrial Report – Glenn Walsh

*Industrial Officer (Fremantle)*

### **Mackenzie Towage Bunbury**

In response to our log of claims and subsequent discussions over 4 meetings, the employer has failed to offer our members anything different to the current terms and conditions contained in their common law contracts; except for providing salary expectations which are effectively worse than what employees currently receive. A range of options are currently being considered by our members in order to encourage the employer to start engaging in good faith bargaining.

### **Southern Ports Pilots EA Bargaining**

SPA management has now effectively agreed to the last of the outstanding claims, with the pay parity claim for Trainee Marine Pilots close to reaching consensus among the parties. Once the usual formatting, editing and tweaking has taken place, we will be ready to finalize negotiations.

### **OSM**

True to form OSM are now trying to avoid scrutiny in the WAIRC in much the same way as they did in the Fair Work Commission. Their prevailing view appears to be that there is no jurisdiction with the relevant authority to resolve the ongoing matters in dispute. When combined with their dishonesty and lack of professional integrity, we expect this dispute will continue to require significantly more time and resources in order to properly resolve our concerns.

Bargaining has recommenced after the employer's ballot for a woeful EA failed miserably. Management are now proposing to approach future negotiations between the parties with a collaborative focus. We are hopeful but unconvinced by their renewed perspective in relation to bargaining given that this process has been running for well over a year with no meaningful progress.

### **Mid-West Ports**

The consultative committees met late in June and were well attended by Union members. This was a positive first step by MWPA management who appear to be trying to work more collaboratively with their employees and the Unions. With further amendments we consider these forums as a valuable form of preventative maintenance.

We are still fielding numerous bullying and harassment complaints from employees across the Port. Evidently, the same senior management personnel are responsible for nearly all these concerns. While this has effectively increased local Union membership, it has also created significant additional work for the Western Area office.

### **Odyssey Marine**

Odyssey Marine and AMOU conducted their first EA bargaining meeting late in June. AMOU provided a log of claims on behalf of members with the employer agreeing to respond and provide their claims in the coming weeks. At this stage, we are hopeful for a positive outcome at this stage.

### **Argonaut Marine**

The MSD application was heard in the FWC a couple of weeks ago. The six-hour hearing allowed AMOU to uncover and repudiate the absurd claims being made by Argonaut management in relation to their refusal to bargain with their employees for an enterprise agreement. Closing written submissions are due shortly with a decision expected by the end of August.

**Toll Energy Logistics Pty Ltd North West Agreement 2019**

Toll management and AMOU met recently in relation to the recommencement of the enterprise bargaining process. With the introduction of new HR personnel, we are hopeful of achieving more fruitful bargaining outcomes.

**Trident**

There has been discussion with Trident regarding the usage of VDR and CCTV data for remote navigation audits and the wider issues of usage for other as-yet unknown purposes. The response to this point has been unsatisfactory. There is a strong likelihood that the issues will be taken further and that we will engage with the Continuity of Operations Agreement Dispute Procedure.

AMOU shares members' concerns and is seeking clarification as to whether the surveillance, recording and auditing of conversations on the bridge are in breach the Surveillance Devices Act 1998, the Privacy Act 1988 or any similar legislation designed to safeguard their privacy.

**Pilbara Ports Authority (PPA) Port Hedland VTS EA**

AMOU will commence bargaining with PPA next week in Port Hedland. We are hoping to significantly increase our Union membership density in what appears to be an apathetic workplace with non-union employees being content with our members doing the heavy lifting on their behalf.

**Disciplinary Matters**

The remainder of my work has been in assisting members with grievance complaints, disciplinary processes and other enquiries.

## Industrial Report – Tracey Ellis

*Organiser (Brisbane)*

### **Smit Lamnalco – Gladstone**

I have a number of disputes listed with the Fair Work Commission including Casual Conversion and Banked Leave. The AMOU is also currently defending a Smit Master who was stood down after being falsely accused of refusing to drive a tug that did not have gas detectors to LNG Standby.

The AMOU is aware of at least one case where a Gladstone Tug Master has been diagnosed with a Legionella Infection. The company has confirmed that the water on a number of tugs is being tested for Legionella. They have treated the water and tagged out the affected taps until the test results come back clear. We encourage all members who are feeling unwell and who may have been in contact with water onboard a tug to report to the hospital and inform both the company and the AMOU.

We are still waiting on Commissioner Spencer to decide the outcome of our GMDSS dispute.

### **Smit Lamnalco Townsville/ Mackay**

I am still trying to get Smit to the table to finish writing the drug and alcohol policy they started.

### **Svitzer Darwin**

The recent POPs meetings have shown the company is still trying to water down master's rest period entitlements. Once this issue has been rectified, the AMOU will be in a position to endorse the EBA, and it will be ready to go to ballot.

### **Seaswift**

The AMOU attended a conference with the company at Fair Work where the Unions asked the Commission to compel the company to resume negotiations.

Sea Swift again stated that they need to wait until the Award Modernisation process is complete before continuing the negotiations. Deputy President Asbury agreed with the company and said the Full Bench will be publishing their draft determination within the next few weeks and that there should be enough information for the parties to resume negotiations then.

We will return to the Fair Work Commission on 9th August.

I will be conducting ship visits with Nathan Niven from AIMPE early August.

### **Brisbane Ferries**

The new EBA and roster have been in place for a little under a month. The feedback we are getting is that members are happy with the extra days off and they have noticed the increase in pay. There are still some teething issues with payroll and run sheets that are being worked out. The AMOU and the MUA met with the company to resolve a few of these issues.

The employees' concern about the new CCTV and electronic swipe card entry being unfairly used by the company was also discussed at the meeting. We received assurance that the company can only get access to the swipe card data by application to the security company to investigate a crime. The company say that they will not use any data collected to punish employees for being late and the CCTV camera and microphone will only be used to interact with employees for operational purposes.

**Pacific Tug**

The Pacific Tug EA got voted up with 23 yes votes out of 26. It is now in the hands of the Fair Work Commission to approve the document. The speed of the approval process can be a few weeks to a few months, depending on the backlog.

**Pro Dive**

The AMOU and MUA met with management to try and resolve the outstanding EBA issues while we wait for the Fair Work Commission to decide on our hours of work dispute. The company has said that they will provide us with a revised offer.

**Stradbroke Ferries**

Greg Yates from AIMPE and I spent a day hopping between vessels speaking with masters and engineers.

**Port of Brisbane - Port Office**

At the final EA meeting, the company rejected our 2% wage claim and the independent bargaining reps, who hold the majority, said they would sign the agreement. The company has said they will put it to a vote.

**Port of Brisbane - BMT**

We are still waiting for the Fair Work Commission to approve the EBA.

**Cairns Intercity Group**

Intercity Group has just issued a Notice of Employee Representational Rights and are ready to start Enterprise Agreement negotiations. It sounds like the first round of meetings will be 14-15 August.

**MSQ**

Unfortunately, the Enterprise Agreement is still in the hands of the Cabinet Budget Review Committee. I'll let you know when this process is complete and the EA gets sent to the Fair Work Commission to be approved.